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Plaintiff and Intervenor

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

*Filed
File*

CHURCH OF SCIENTOLOGY OF CALIFORNIA,)
)
) Plaintiff,)
)
) vs.)
)
) GERALD ARMSTRONG, DOES 1 through)
) 10, inclusive,)
)
) Defendants.)
)
) MARY SUE HUBBARD,)
)
) Intervenor.)

Case No. C 420 153
UNOPPOSED MOTION
TO WITHDRAW MEMORANDUM
OF INTENDED DECISION

GERALD ARMSTRONG,)
)
) Cross-Complainant,)
)
) vs.)
)
) CHURCH OF SCIENTOLOGY OF CALIFORNIA,)
) a California Corporation, et al.,)
)
) Cross-Defendants.)

DATE:
TIME:
DEPT: 57

F

FILED
JAN 30 1987
FRANK S. ZOLIN County Clerk
Rosie M. Hart
BY ROSIE M. HART, DEPUTY

1 Plaintiff and intervenor hereby move the court for an
2 order withdrawing its memorandum of intended decision, dated
3 June 20, 1984, statement of decision dated July 20, 1984 and
4 judgement dated August 10, 1984, voiding said decisions as
5 legal authority or precedent.

6 As grounds for their motion, movants state:

7 1. On December 18, 1986, the Court of Appeal rendered a
8 decision dismissing movants' appeal from this court's judgment
9 of August 10, 1984, on the ground that such judgment was not an
10 appealable final order. The court made it clear that movants
11 will have the right to pursue their appeals at the appropriate
12 time, presumably upon the entry of a consolidated final
13 judgment by this court. A copy of the Court of Appeal's
14 decision is attached as Exhibit A hereto.

15 2. Accordingly, this court is presently free to withdraw
16 its judgment, memorandum of intended decision, and statement of
17 decision.

18 3. The memorandum of intended decision includes
19 references to purported past practices of the Church and the
20 alleged relationship of Mr. Hubbard to the Church. As the
21 trial court and defendant recognized at trial and defendant
22 acknowledged in his brief to the Court of Appeal, the evidence
23 on such matters was introduced exclusively to show defendant's
24 state of mind. Nevertheless, the court's references to such
25 matters have improperly been cited by others as if they were
26 findings of actual fact.


27 4. The movants have retained their right to prosecute
28 their respective damage claims against Gerald Armstrong in the

1 event that they prevail upon their appeal from this court's
2 August 10, 1984 judgment, which movants intend to reactivate
3 now that the cross-complaint has been dismissed. However, in
4 the interests of judicial economy and in order to terminate
5 this protracted litigation, the movants will forego their
6 appeal and dismiss their remaining damage claims against
7 Armstrong if the court withdraws its Memorandum of Intended
8 Decision.

9 5. Mr. Armstrong has no objection to the granting of
10 this motion or the signing of the proposed Order submitted
11 herewith. Attached at Exhibit B is a statement of
12 non-opposition executed by Mr. Armstrong's counsel.

13 WHEREFORE, the motion should be granted.

14 DATED: January 30, 1987 Respectfully submitted,

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16 
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